IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 14107 OF 2005

DATE OF DECISION: SEPTEMBER 14, 2006

Parties Name

M/s Kartar Goods Transport Company

..PETITIONER

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MR. JUSTICE PRITAM PAL

PRESENT: Mr. Mansur Ali, Adv., with Mr. H.S.Deol, Advocate, for the petitioner.

Mr. P.S.Chhina, Addl. A.G., Punjab;

Mr. Ashish Kapoor, Advocate, with Mr. Harmohinder Singh, Advocate;

JASBIR SINGH, J. (oral)

JUDGMENT:

Prayer in this writ petition is to quash order Annexure P-7, whereby respondent No. 3 has refused to give its concurrence, to ply its trucks on the basis of temporary permits, granted to the petitioner, by the competent authority in the State of Jammu & Kashmir. It is not in dispute that the petitioner has been granted a contract, to transport LPG cylinders, by the Indian Oil Corporation Ltd., respondent No. 4, from Jalandhar to any destination within the State of Punjab. Trucks of the petitioner are registered in the State of Jammu & Kashmir and a permit to ply those trucks has been granted by the said State. Counsel for the petitioner states that if the petitioner is permitted to operate its trucks as per the provisions of

Section 88(7) of the Motor Vehicles Act, by respondent No. 3, for a period of six months, it shall, in the meantime, move an application for getting those trucks registered within the State of Punjab. To the offer made, a very fair concession has been given by the State counsel on getting instructions from Baldev Singh, an official of Regional Transport Authority, Jalandhar. This Court is also convinced that the concession given by the State of Punjab is in consonance with the ratio of the judgment in The Madhya Pradesh State Road Transport Corporation, Bairagarh, Bhopal (MP) v. B.P. Upadhyaya , Regional Transport Authority, Raipur, and others, AIR 1966 Supreme Court 156.

In view of consensus arrived at between the parties, this writ petition is disposed of with a direction to respondent No. 3 to give concurrence to ply the trucks , for six months, as requested by the petitioner and before the expiry of the said period, the petitioner shall get its truck registered within the State of Punjab. Needful be done within 15 days from the date of receipt of copy of this order.

(Jasbir Singh)
Judge

(Pritam Pal)
Judge

September 14, 2006.
DKC